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EXAMINER

BLACKMAN, ANTHONY J

ART UNIT PAPER NUMBER

2676

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/066,167

**Applicant(s)**

BOLER ET AL.

**Examiner**

ANTHONY J. BLACKMAN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-12,14,16-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) 2,13,15,17 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-12,14,16-32 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Examiner acknowledges that applicant cancelled claims 2, 13, 15, 17 and 33 and amended claims 1,3, 4, 6-8, 10,11, 14, 16-26 , 29, 31-32, and 35-37.

In response to the amended claim language, examiner refers to WEE et al, US Patent No 6,553,150 to meet the features not met by the primary reference, SULL et al, US Patent Application Publication, Pub No: US 20020069218.

Applicant substantially argues that the primary reference, SULL et al does not particularly discuss image processing. WEE et al discloses the newly amended features in support of SULL et al, i.e., selective image editing/cropping (shown below).

Further, section 0544 describes a close association between videos and images. In fact, SULL et al goes further by linking video with sampled pixels. Further still, more particularly , SULL et al disclose the following portion from section 0017,

"The metadata also include audiovisual characteristic data such as raw image data corresponding to a specific frame of the video stream".

Accordingly, examiner interprets use of SULL et al regarding image means proper below in the office action for cited claim language that SULL et al meets limitations, in addition to the support of WEE et al.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-12, 14, 16 and 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over SULL et al, US Patent Application Publication, Pub No: US 20020069218 in view of WEE et al US Patent No 6,553,150.

As per claim 1, examiner interprets SULL et al to disclose

Examiner interprets SULL et al to disclose A method for lossless editing of an image, comprising the steps of:

(a) accessing data defining the media object to produce a representation of an image (sections 0070 and 0523 and 0037 and 0081);

rendering a modified image in accord with the modification to the representation (section 0165),

however, does not expressly teach steps (b,) and (d). WEE et al meet steps (b) and (d) as follows;

(b) enabling a user to selectively edit the representation of the image by applying a modification to the representation, wherein the modification comprises the step of selectively cropping the representation (col 30, lines 30-53)

(d) storing metadata that define the modification applied to the representation in association with the image, without modifying the data that define the image, said metadata defining a selected size and a selected position of a crop outline on the presentation on the representation of the image that is provided to indicate limits of a cropped image (col 11, lines 10-32). It would have been obvious to

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one skilled in the art at the time of the invention to use the encoding process that indicates how each ICR (independent coding region) is to be "sliced" (see col 11 above) of WEE et al to modify editing of multimedia files (section 0002) of SULL et al because, as detailed in cited col 11, this process results in "optional[ly] editing a portion of the bit stream without having to completely decode each entire area of interest, as indicated by an optional process block 125. Therefore, it would have been obvious to modify SULL et al via WEE et al.

4. As per claim 3, SULL et al as modified meet limitations of claim 2, SULL et al teach step (c ) (c) rendering the modified image in accord with the further modification (section 0165), however, SULL et al does not expressly teach, further comprising the steps of: (a) and (b). WEE et al suggest steps (a) and (b), starting with step (a): enabling the user to again selectively edit the representation of the image, by applying a further modification that changes the limits of the cropped image on the representation of the image (col 11, lines 10-32), (b) updating the metadata to define the modification by indicating new limits of the cropped image (col 17, lines 5-19). It would have been obvious to one skilled in the art at the time of the invention to use the encoding process that indicates how each ICR (independent coding region) is to be "sliced" (see col 11 above) of WEE et al to modify editing of multimedia files (section 0002) of SULL et al because, as detailed in cited col 11, this process results in "optional[ly] editing a portion of the bit stream without having to completely decode each entire area of interest, as indicated by

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an optional process block 125. Therefore, it would have been obvious to modify SULL et al via WEE et al.

5. As per claim 4, SULL et al as modified meet limitations of claim 1, further, SULL et al also disclose wherein the image is stored in a Joint Photographic Experts Group (JPEG) format (section 0220).

6. As per claim 5, SULL et al as modified meet limitations of claim 1, SULL et al also disclose wherein the step of storing the metadata comprises the step of storing a stream of the metadata in a substorage of an object linking and embedding (OLE) file (sections 0165 and 0220).

7. As per claim 6, SULL et al meet limitations of Claim 1, including, wherein the step of rendering comprises the step of rendering the cropped image without portions of the representation that lie outside the limits of the cropped image (section 0165).

8. As per claim 7, SULL et al meet limitations of Claim 6, including, further comprising the step of storing the cropped image as a JPEG stream of data in a limits of the cropped image (section 0081).

13. As per claim 8, SULL et al as modified, meet limitations of Claim 1, further substorage of an OLE file (sections 0165 and 0220).

14. As per claim 9, SULL et al as modified meet limitations of claim the OLE file defines a collection of one or more images (section 0165).

15. As per claim 10, SULL et al as modified meet limitations of Claim 1, including, further comprising the step of providing input to the metadata for storage that defines at least one of an image title, an image number, an image rotation, an image width, and

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image height, and an image source file location for the media object (the at least underlined feature is met in section 0032).

16. As per claim 11, SULL et al as modified meet limitations of Claim 2, including, further

comprising the step of perceptibly differentiating a first portion of the representation of the image from a second portion of the representation of the image, wherein the first portion and second portion are demarcated by the crop outline (sections 0037 and 0523).

17. As per claim 12, SULL et al as modified meet limitations of claim 1 , including, a machine-readable medium having machine instructions for performing the steps of claim 1 (sections 0040, 0459-0461 and figure 25).

18. As per claim 14, examiner interprets SULL et al as modified meet limitations of claim to disclose a system for lossless editing of a an image, comprising:

(a) a processor/ visual video editor (sections 0076-0078, 0121, 0128, 0463, 0466 and M72);

(b) a display in communication with the processor (sections 0076-0078, 0121, 0128, 0463, 0466 and 0472)',

(c) an input device in communication with the processor (sections 0076-0078, 0121, 0128, 0282, 0461), and

(d) a memory in communication with the processor, said memory storing the image and machine instructions (sections 0076-0078, 0282, 0461,

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0463, 0466 and 0472) , and teach the following step that cause the processor to (i) access data defining the image, to produce a representation of the image (sections 0070 and 0523),

however, does not expressly teach the following steps for (ii-iv). WEE et al suggest the following features that cause the processor to: (ii) enable a user to employ the input device to selectively edit the by applying a modification to the representation of the image, wherein a user is thus enabled to crop the representation of the image (col 11, lines 10-32);

(iii) render a modified image in accord with the modification applied to the representation (col 22, lines 35-59); and

(iv) store metadata that define the modification applied to the representation in association with the image, without modifying the data that define the image, said metadata defining a selected size and a position of a crop outline on the presentation of the image on the representation of the image on the display that is provided to indicate limits of a cropped image (see col 11, lines 10-32).

19. As per claim 16, claim 16 is substantially similar to claim 3.

20. As per claim 18, claim 18 is substantially similar to claim 5.

21. As per claim 19, claim 19 is substantially similar to claim 6, with the exception of machine-readable instructions in addition to claim 12 (also see claim 14 (d) sections 0076-0078, 0282, 0461, 0463, 0466 and 0472).

22. As per claim 20, claim 20 is substantially similar to claim 7.

23. As per claim 21, claim 21 is substantially similar to claim 8.



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24. As per claim 22, claim 22, is substantially similar to claim 9.

25. As per claim 23, claim 23 is substantially similar to claim 10.

26. As per claim 24, claim 24 is substantially similar to claim 11.

27. As per claim 25, examiner interprets SULL et al disclose steps (a)-(g) as follows, a method for lossless modification of an image, comprising the steps of:

(a) accessing data defining the image to produce a

representation of the image (sections 0070 and 0523);

(b) enabling a user to perform a first modification of the representation

of the image, wherein the modification comprises at least one of the steps of cropping, rotating and trimming the image (sections 0070 and 0523 disclose at least cropping);

(c) rendering the first modification- of the representation (section 0165);

(d) storing metadata that define the first modification

representation of the image in association with the data that define the image, without modifying the data that define the image (sections 0070 and 0523);

applied to the

define the media

(e) subsequently accessing the media object and metadata (sections 0070 and 0523),

(f) rendering the representation of the image as defined by the metadata (section 0165);

(g) enabling the user to further modify the first modification of the

representation of the image, to produce a second modification (sections 0070

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and 0523); however, SULL et al does not expressly teach step (h). WEE et al, teach step (h), wherein step (h) storing metadata that now define the second modification of the image without modifying the data that define the image (col 11, lines 10-32).

It would have been obvious to one skilled in the art at the time of the invention to use the encoding process that indicates how each ICR (independent coding region) is to be "sliced" (see col 11 above) of WEE et al to modify editing of multimedia files (section 0002) of SULL et al because, as detailed in cited col 11, this process results in "optional[ly] editing a portion of the bit stream without having to completely decode each entire area of interest, as indicated by an optional process block 125. Therefore, it would have been obvious to modify SULL et al via WEE et al.

28. As per claim 26, SULL et al as modified meet limitations of claim 25, including, wherein the

representation of the media object comprises one of a static image, a video image, and an audible sound (the at least underlined feature is met - sections 0070 and 0523).

29. As per claim 28, SULL et al as modified meet limitations of claim 25, including, wherein the

metadata comprises dimensions of a crop outline (section 0523, the selection of the attention area described in section 0523 is analogous to the claimed feature).

30. As per claim 29, SULL et al as modified meet limitations of claim 25, including, further

comprising the step of perceptibly differentiating a first portion of the representation of the image from a second portion of the representation of the image to aid

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the user to one of performing the first modification and further modify the first modification (sections 0037 and 0523. i.e., scaled (one modification ) and or cropped (a subsequent modification)).

31. As per claim 30, SULL et al as modified meet limitations of claim 25, including A machine-readable medium/CDs, DVDS, FLOPPYS, DISKS and other optical and mechanical mediums) having machine instructions for performing the steps of Claim 25 (sections 0059, 0070, 0351, 0365 and 0461).

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

32. Claims 31-32 and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by SULL et al, US Patent Application Publication, Pub No. US 2002/0069218.

33. As per claim 31, examiner interprets SULL et al to disclose a system for lossless modification of an image, comprising:

(a) a processor (sections 0076-0078, 0121, 0128, 0463, 0463 and 0472),

(b) an input device in communication with the processor (sections 0076-0078, 0121, 0128, 0282. 0461, 0463 and 0472), and

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(c) a memory in communication with the processor, said memory storing data defining a media object and machine instructions (sections 007-0078, 0121, 0128, 0282, 0461, 0463 and 0472) that cause the processor to:

(i) access the data defining the image to produce a representation of the image (sections 0070 and 0523),

(ii) enable a user to employ the input device to perform a first modification of the representation of the image, wherein the modification comprises one of cropping, rotating, and trimming the image (sections 0070 and 0523 the at least cropping feature is met in 0523),

(iii) render the first modification of the representation (section 0165),

(iv) store metadata that define the first modification applied to the representation of the image in the memory in association with the data that define the image, without modifying the data the define the media image (sections 0070 and 0523 using the virtual processing applies to without modifying the data),

(v) subsequently access the image and metadata in the memory (sections 0070 and 0523),

(vi) rendering the representation of the image as defined by the metadata (section 0165),

(vii) enabling the user to further modify the first modification of the representation of the image, to produce a second modification (sections 0070 and 0523, the cropping and or scaling comprise a first and second modification), and

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(viii) storing metadata that now define the second modification of the image in the memory (sections 0070 and 0523).

34. As per claim 32, SULL et al meet limitations of claim 31, wherein the representation of the image comprises one of a static image, a video image, and an audible sound (the at least underlined feature is met - sections 0070 and 0523).

35. As per claim 34, claim 34 is substantially similar to claim 28.

36. As per claim 35, claim 35 is substantially similar to claim 29.

37. As per claim 36, examiner interprets SULL et al to disclose a machine-readable medium having a data structure for lossless modification of an image comprising:

(a) metadata stored in association with data defining the image, the metadata defining a modification that is to be applied when rendering data defining an image (see section 0165 for the metadata), wherein the modification comprises one of selectively cropping, rotating, and trimming the image and (section 0523 for at least cropping), and

(b) the data defining the image (sections 0070, 0165 and 0523).

38. As per claim 37, examiner interprets SULL et al to disclose a machine-readable medium having a data structure for a collection of images comprising a substorage (sections 0165 and 0220), wherein the substorage comprises data defining an image (sections 0165 and 0220), and metadata defining a modification that is to be applied to a representation of the image; and metadata defining a modification to be applied to a representation of the image when the data defining image is rendered (see section 0070 – playing the video is analogous to rendering of the defined image), wherein, modification comprises one of selectively cropping, rotating, and trimming an

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image that comprises the representation of the image (section 0523 discloses system 4500 selectively scaling and cropping).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. BLACKMAN whose telephone number is 571-272-7779. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN  
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